Viet-Nam and the International Law of Self-Defense

LEONARD C. MEEKER[1]

THROUGHOUT this land, the war in Viet-Nam weighs heavy on the minds of Americans. It is again and again the subject of our talk, under the pressing flow of news dispatches and under the thousand impacts this war has on our lives. It is never far from our thoughts.

Fighting a war is never cheap, never easy. The Viet-Nam war is a particularly difficult one. As President Johnson has said, this is a new kind of war. It is not a war of major battles to be won or lost. It calls for courage and fortitude to stick it out, over a long period of time if need be.

There are few who would not be rid of the war. It impinges directly on the lives of American young men by the tens and hundreds of thousands. Most Americans are anxious to turn our full resources to another great war—a war on poverty and hunger at home and throughout the world. Some believe the Viet-Nam war divides the world at a time when we are most impelled to seek world cooperation.

One cannot but be concerned about these problems. No one can say that debate is unnecessary—quite the contrary. We are dealing with great issues. There are risks to be weighed and roads that must be chosen.

It is my purpose, in the hour we have together this evening, to locate the Viet-Nam war in the great river of time: first, to indicate something of how it arose; then, to relate it to the existing framework of international law; finally, to consider the place of this conflict in the building of a more stable and just world order as nations move along the highroad of history.

Origins of the Viet-Nam Conflict

Viet-Nam has a very short political history under that name—one that does not go back even 20 years. Viet-Nam is made up of three areas that were included in what France called, for purposes of colonial administration, Indochina. Those areas were: Tonkin in the Red River Delta of the north, Annam along the central coast, and Cochin China in the south around Saigon. In the 19th century France ruled these areas as protectorates and colonies, along with Laos and Cambodia; all together, they made up Indochina.

[1] 1966 Louis Caplan Lecture in Law at the University of Pittsburgh Law School, Pittsburgh, Pa., on Dec. 13 (press release 292).

The colonial picture was a typical one: administrators from France to govern; French armed forces to keep order; colonists to direct agriculture and trade; native gentry and leaders who were clients of the French and profited from the relationship; finally, the Indochinese majority, who performed the labor of the country and received relatively little return for their toil.

Japan's military leaders, as part of their program of expansion and conquest, occupied Indochina in 1940. The colonial administration and the European residents of Indochina by and large collaborated with the Japanese. They hoped thereby to keep the political, economic, and social situation under control.

It was in World War II that the recent history of Viet-Nam began. Dissidents who opposed the French and the Japanese carried on a resistance movement. Ho Chi Minh was the acknowledged leader of this movement from the beginning. By 1945 the drive for independence had become a significant political force. The sense of nationalism and the ideas of self-determination were at work in Indochina, as they were elsewhere in Asia and soon came to be in Africa.

But France in the postwar period did not follow the course of independence soon taken by Britain for India, Burma, and other Commonwealth territories. France sought instead to restore and reinforce its colonial administration in Indochina. What had been wartime resistance by the Viet Minh organization continued and grew as a struggle to rid the country of colonial rule. In 1949 France sought to stem the tide by setting up indigenous governments of limited authority in Cambodia, in Laos, and in a new State of Viet-Nam. France kept control of foreign affairs, defense, and financial matters.

The guerrilla campaign of the Viet Minh grew into a major war with the French colonial forces. At the end of 5 years the battle of Dien Bien Phu had been lost by the French, and Paris had decided to seek a political settlement. This was the origin of the Geneva conference of 1954, in which the five great world powers took part, along with Cambodia, Laos, and North and South Viet-Nam—each of which by then had its own regime. The Government in the South had been created by and was alined with France. Hanoi was the seat of the rebel Viet Minh regime which had been fighting the French. Its concentration of military and political power was in the North, but it had guerrilla units operating throughout the country. The participants in the Geneva conference did not have to produce any agreement at all. They were free to continue all the existing disagreements. The French and Viet Minh military forces could have gone on with the fighting, to whatever con-

clusion it would yield. Since, however, they did reach a series of international agreements, we are entitled to look at them as binding legal instruments.

We will want first to see what contracts were made. We will want to see what provision was made for insuring compliance. We will want to look at what happened in fact. We will want to examine the legal rights of the parties in the circumstances of 1956 to 1966.

The Geneva Accords

The 1954 Geneva conference produced agreements on Cambodia and Laos as well as on Viet-Nam, but for present purposes we shall consider only the instruments relating to Viet-Nam.[2] The chief of these was the Agreement on the Cessation of Hostilities in Viet-Nam. It was signed on behalf of the commander in chief of the French Union forces in Indochina and on behalf of the commander in chief of the People's Army of Viet-Nam.

The very first article of the Viet-Nam cease-fire agreement fixed a demarcation line, near the 17th parallel in central Viet-Nam, "on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Viet-Nam to the north of the line and the forces of the French Union to the south." Under article 19 of the same agreement, the two parties were bound to insure that the zones assigned to them "are not used for the resumption of hostilities or to further an aggressive policy." And under article 24 each party was obligated to "commit no act and undertake no operation against the other party." Articles 16 and 17 of the agreement prohibited the introduction into Viet-Nam of additional armed forces or weapons, but permitted the rotation of troops and the replacement of worn-out or used-up materiel. Article 18 prohibited the establishment of new military bases throughout Viet-Nam territory.

In a separate document, known as the Final Declaration of the Geneva Conference,[3] the conference powers agreed that the settlement of political problems in Viet-Nam should "permit the Viet-Namese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot." There were to be general elections in July 1956 under the supervision of the International Control Commission. Consultations on this sub-

[2] For texts, see *American Foreign Policy, 1950-1955, Basic Documents*, vol. I, Department of State publication 6446, p. 750.

[3] *Ibid.*, p. 785.

ject were to be held between representatives of the two zones beginning in July 1955.

Here, then, were the basic undertakings of the Geneva accords. If observed, they should have kept the peace in Viet-Nam. What was to insure that the parties would live up to these undertakings? The agreement sought to provide some machinery for international supervision.

There was to be an International Control Commission, made up of representatives of India, Canada, and Poland. The Commission was to oversee fulfillment of all the obligations of the agreement. It was to have inspection teams at its disposal and access to any and all places in both zones of Viet-Nam. Some of the Commission's decisions could be made by majority vote; others, including those dealing with violations or threats of violations which might lead to a resumption of hostilities, would require a unanimous vote of all members.

In this respect, the arrangement was flawed from the beginning. Any member of the Commission could veto a decision on a question of compliance with the agreement. On other matters, even a majority might be unobtainable because the representative of India, in carrying out his Government's policy of nonalinement, could remain aloof and equivocal on important matters. Vetoes were in fact cast, and the Indian chairman of the Commission often pursued his national policy of neutralism and nonalinement. The Commission had other difficulties, too. The zonal authorities, and particularly those in North Viet-Nam, denied access to the inspection teams of the Commission.

As a result of this state of affairs, the world has not had an effective, authoritative, and impartial reporting mechanism on the facts in Viet-Nam. There could and did arise disputes about the facts in Viet-Nam. For example, who lived up to the cease-fire agreement, and who broke it? Was the subsequent conflict indigenous and essentially a civil war, or was there the intervention of substantial and perhaps crucial external force?

Events in Viet-Nam Since 1954

Issues like these have a bearing on the international legal rights of the parties. Because they are an essential part of the legal analysis, we must try to deal with them. Since, for the most part, we do not have available authoritative findings by an impartial international body, it is necessary to work with the best evidence that can be gathered.

I should like to set out what the United States Government believes happened after July 1954 and to set these events beside the provisions of the Geneva accords. I shall, of course, discuss what the Government

of South Viet-Nam and the Government of the United States did after July 1954. But because their actions were in the nature of a response to events directed from Hanoi, it seems most logical to examine first what the other side was doing.

Despite the obligation of regroupment in the cease-fire agreement, some effective Communist guerrilla units continued to operate in areas of South Viet-Nam where they had been during the hostilities with France. Large numbers of the southern Viet Minh troops who were withdrawn north of the demarcation line were retained by Hanoi in military or security units; others received further training in guerrilla warfare.

The North Vietnamese regime began to infiltrate these ethnic Southerners into South Viet-Nam as early as 1957. Up to the concluding months of 1964, approximately 40,000 infiltrators moved south, to join the guerrillas already there who had been supported with arms and supplies by Hanoi since 1956. Once in South Viet-Nam, the infiltrators were assigned to existing combat units or used to form new units, frequently in their original home provinces. All of this activity—the training, the equipping, the transporting, the assigning—was directed from Hanoi. It did not just happen within South Viet-Nam.

As the infiltration from the North continued, Hanoi began to exhaust its supply of ethnic Southerners who could be sent into the South for guerrilla warfare. Beginning in late 1964, the infiltrating units consisted essentially of North Vietnamese soldiers organized in regular army units. Upward of 80,000 of these troops have infiltrated from the North during the last 2 years. The Northerners have frequently entered in large units, rather than in small groups, and have retained their military organization. After allowing for casualties from all causes, it is estimated that there are today about 45,000 North Vietnamese army regulars in South Viet-Nam. This represents nearly half of the main force of Communist combat troops in the South—a force currently estimated at 100,000. Of the remaining 55,000, many are irregulars who earlier infiltrated from the North; almost all the rest have been recruited from Communist-held areas in the South—there has been no rallying to the Communist cause from Government-held areas.

Let us now look at what the Communists have been doing with their forces in South Viet-Nam during the last 10 years. They began their operations with terrorism and assassination aimed at local government officials. From 1957 to 1959 more than 1,000 civilians were assassinated or kidnapped by Communist guerrillas in the South. In the ensuing 2 years their attacks were intensified and began to be conducted by bat-

talion-size units against the military and security forces of the Government in the South. The level of military activity increased progressively.

With the arrival of regular North Vietnamese army units, beginning in the concluding months of 1964, sizable military engagements have taken place almost continuously in many different parts of South Viet-Nam. Unlike Korea, where the Communists launched openly an invasion in broad daylight across an international demarcation line, the Communists in Viet-Nam have resorted to covert and clandestine tactics. This is the strategy of what Communist ideology and propaganda call the "war of national liberation."

On the basis of the evidence which has been accumulated over a period of time, it seems beyond dispute that from the beginning the conflict in South Viet-Nam has not been simply an indigenous rebellion. Much of the military manpower came from the North. So also with weapons and supplies. And, perhaps most important of all, the planning, the direction, the orders, have come from Hanoi.

International Law in Relation to the Viet-Nam Conflict

How does one apply international law to this kind of problem?

It is necessary to begin by finding out what international law is. We have a fairly clear idea of what it is not. It is not a framework of government such as our own and other democratic countries have at home. There is no international legislature to make the rules of the game for all to accept and follow. There is no system of courts. There is no police force.

What is a government to do in the face of so imperfect a world, in the face of so chaotic a scene, such as that created by large-scale violence and hostilities in Southeast Asia? Some have suggested that it is best to acknowledge there is no real law to deal with such a situation of conflict and that the proper course is to proceed with whatever practical actions will most advance the military power, the security position, and the general interests of the United States. I wonder if such a view does not beg an important question. Will this country's security be enhanced, will its interests be served, without our making an honest and determined attempt to develop international law and live by it?

We may feel the absence today of a law-giver outside national governments, who could, to our comfort and security, give and enforce law among the nations. That absence does not relieve us of moral and political obligations. It means instead that governments will have to go on

working very hard if there are to be functioning and effective processes and institutions of world law in the future.

Let us remember, too, that the shape of things to come is in no small way determined by the actions of great powers. This is an aspect of the responsibility that the United States, along with other countries, bears in the modern world. I have no doubt myself that the road of pragmatism and the road of idealism run together as we consider the needs and the possibilities for developing effective world law.

INTERNATIONAL AGREEMENTS

1. There are many ways of making law. One powerful means of law-making available to governments is to join in making international agreements and then to act in conformity with them.

In the case of Viet-Nam we have the Geneva accords as a starting point and legal framework for dealing with the situation. Although the United States did not sign the accords, from the beginning it undertook to respect them, and President Eisenhower said that "any renewal of Communist aggression would be viewed by us as a matter of grave concern."[4]

The United States began as early as 1954 to arrange for aid to South Viet-Nam to promote its viability and development. For nearly 7 years United States forces and materiel in the South stayed within the limits set by the Geneva accords for external military assistance, despite the fact that North Viet-Nam had been violating these accords from the start and despite the gradual escalation of these violations. Not until late 1961 did the number of United States military personnel in the South rise above 900. When the United States made the decision to exceed the limits laid down by the Geneva accords, it was on the basis of a principle of international law similar to the doctrine of fundamental breach in the domestic law of contracts. North Viet-Nam had violated seriously the obligation to prevent the northern zone from being "used for the resumption of hostilities or to further an aggressive policy." In these circumstances, South Viet-Nam was relieved from the obligation to comply with the cease-fire agreement's limitations on military manpower and materiel when the South needed additional strength for its own defense against aggression from the North.

Here it is noteworthy that in June 1962 the Indian and Canadian

[4] For a statement made by President Eisenhower on July 21, 1954, see BULLETIN of Aug. 2, 1954, p. 163.

members of the International Control Commission found it possible to agree as follows in a report:

> . . . there is evidence to show that armed and unarmed personnel, arms, munitions and other supplies have been sent from the Zone in the North to the Zone in the South with the object of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the Armed Forces and Administration of the Zone in the South. . . .
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> . . . there is evidence to show that the PAVN [People's Army of Viet-Nam] has allowed the Zone in the North to be used for inciting, encouraging and supporting hostile activities in the Zone in the South, aimed at the overthrow of the Administration in the South.

The Commission also cited the Republic of Viet-Nam for its activities in importing military equipment and personnel above the limits imposed by the 1954 Geneva accords. However, these actions were taken by South Viet-Nam as part of its effort to defend itself against aggression and subversion from the North. And at no time did South Viet-Nam undertake to overrun the North by force.

I have mentioned this report of the International Control Commission because it shows that the international machinery set up by the Geneva accords agreed with the legal analysis of the situation made by the United States, when that machinery was able to function. But for most of the last dozen years, it has been unable to function as intended.

GOVERNMENT ACTIONS AND PRECEDENTS THEY CREATE

2. Another way in which international law is made is through the actions of governments and the precedents they create. If a government acts consistently with a series of coherent principles, it may make a contribution to the common law of nations. The United States Government has tried to do this in the case of Viet-Nam, both with respect to situations not envisioned by the Geneva accords and in giving practical interpretations and applications to the general rules laid down by the Charter of the United Nations.

Some commentators, in talking about Viet-Nam, have set up three categories of situations for their legal analysis of the problem: The first is the category of wholly indigenous rebellion. The second category is one in which there is large-scale intervention from outside short of armed attack. The third is the category of armed attack, in which one

country employs its regular military forces to gain control of another country.

The evidence does not allow for the conclusion that the war in Viet-Nam was ever a simple category-one situation. It was probably, for quite some period of time, a category-two situation. By the end of 1964, however, it had become very clearly a category-three situation.

Critics of United States Government policy have argued that, if there was North Vietnamese intervention in the South, any United States assistance to South Viet-Nam that might be justified would have to be confined geographically to South Viet-Nam. Even if one were to concede that such a rule applies in the case of a category-two situation, it certainly does not apply to a case of armed attack. Legitimate defense includes military action against the aggressor wherever such action is needed to halt the attack.

During the decade after Geneva, the United States did confine its assistance to South Viet-Nam to military personnel, supplies, and activities in the South. The United States took no action against the source of aggression in the North. Then, in late 1964, as I have already indicated, North Viet-Nam moved into a new phase of its aggression and began dispatching southward whole units of its regular armed forces. The tempo of the war had increased by early 1965, and additional measures of defense were required.

INFILTRATION—CURRENT MODE OF "ARMED ATTACK"

3. I have heard and read arguments by some that Viet-Nam does not present a situation of "armed attack" because invading armies were not massed at a border and did not march across it in broad daylight. To be sure, that is the way armed attacks occurred in 1914, at the beginning of World War II, and even in Korea. But strategies and tactics have changed. The current mode of armed aggression in Viet-Nam is by the infiltration of military units and the weapons of war under cover of darkness, through jungle areas, and across the territory of a neighboring state—Laos.

The law, if it is to be a living and working force, must concern itself with the substance and the reality of what is going on. The answer to a question of law cannot properly turn on the mere form or appearance that a protagonist may give to its action. The judgment whether North Viet-Nam has engaged in "armed attack" against the South cannot depend on the form or appearance of its conduct. The crucial consideration is that North Viet-Nam has marshaled the resources of the state

and has sent instrumentalities of the state, including units of its regular armed forces, into South Viet-Nam to achieve state objectives by force—in this case to subject the South to its rule.

MEASURES OF COLLECTIVE DEFENSE

4. United States and South Vietnamese airstrikes and other military actions against North Viet-Nam have been based on the legal proposition that they are measures of collective defense against armed attack from the North. I would like to take up some of the arguments that have been made against this proposition. First, it has been argued that, while the United States says South Viet-Nam is under armed attack, no international body, such as the United Nations, has made such a finding. The United States Government regrets that neither the Security Council nor the General Assembly of the United Nations has been able or seen fit to express itself on Viet-Nam. But ought we to adopt the view that if the United Nations makes no finding, there is therefore no armed attack and the aggressor must accordingly be permitted to pursue his ambitions without being subjected to effective countermeasures?

Certainly the United Nations Charter does *not* say this. Article 51 of the charter, dealing with armed attack, says that "the inherent right of individual or collective self-defense" may be exercised "until the Security Council has taken the measures necessary to maintain international peace and security." Thus it is for a defender to claim and assert that armed attack has taken place, justifying measures of defense. The defender does not have to await action by the Security Council. His duty, as is made clear by the remainder of article 51, is to report to the Council. Then the Council will, in the end, decide what has happened, who is right, and what measures must be taken.

The United States has several times reported to the Council in the last 2 years on military actions in Viet-Nam. The Council has taken no action. In January and February 1966 the Council elected not to debate the situation in Viet-Nam, although the United States had once again raised the whole question. In September of this year Ambassador [Arthur J.] Goldberg made a full presentation to the General Assembly on Viet-Nam.[5] The subject was a central topic in the month-long general debate that was held in New York during October. Again, no United Nations action was taken.

[5] *Ibid.*, Oct. 10, 1966, p. 518.

INTERNATIONAL LINES OF DEMARCATION

5. Another argument made against the United States legal position on collective self-defense is that Viet-Nam is a single country and that the regime in the North is not legally precluded from taking steps, including the use of force, to unify North and South Viet-Nam under a single Communist regime. Any such argument ignores the plain provisions of the Geneva accords of 1954. It also suggests a view of international law that would operate to undermine peace and security in many parts of the world.

The Geneva accords are very clear in drawing a demarcation line between North and South Viet-Nam. This line was to be respected by the opposing armed forces, including all elements—regular or irregular—under their control. It divided Viet-Nam into two zones which would be administered by different authorities. The line was set by an international agreement negotiated at a conference in Geneva of the principal powers concerned.

The fact that the demarcation line was not intended as a permanent boundary surely did not give either side license to disregard it. The very purpose of the line was to end hostilities and separate the fighting forces. Moving troops from one zone to the other to engage them in hostilities was clearly in breach of the international agreement reached at Geneva in 1954.

It was also true in the Korea of 1950 that the 38th parallel was not a permanent boundary but instead an international demarcation line established at the end of World War II. Like the line in Viet-Nam, the line in Korea was not intended to last; it was hoped that the country could be unified. But all of this made the North Korean invasion of that year no less an armed attack under international law.

The importance of respecting international lines of demarcation is evident in Europe also. The lines of demarcation between East and West Germany and around West Berlin have never been intended as permanent boundaries. However, they are lines of great importance, and any moves to disregard them would have the gravest consequences.

QUESTION OF "FREE ELECTIONS"

6. Still another argument has been advanced by some to justify the actions of Hanoi. It runs as follows: The Geneva accords looked forward to a political settlement as the result of which Viet-Nam would be unified; elections were to be held in the summer of 1956, and during the preceding year consultations were to be held between the authorities of North and South concerning the elections; South Viet-Nam declined

to take part in consultations, and there have been no elections; hence, North Viet-Nam had freedom to proceed in its own way with reunification of the country.

This argument has no merit. The elections referred to in the Geneva accords were to be "*free* general elections by secret ballot." Even the North Vietnamese Defense Minister in effect admitted long ago that such elections would have been impossible in North Viet-Nam. Speaking at the 10th Congress of the North Vietnamese Communist Party Central Committee in October 1956 General [Vo Nguyen] Giap said:

> We have made too many deviations and executed too many honest people. We attacked on too large a front and seeing enemies everywhere, resorted to terror, which became far too widespread.

Thus it cannot properly be said that there was any breach of agreement by South Viet-Nam when it declined to proceed toward elections that could not possibly have been meaningful.

DEFENSE MEASURES PROPORTIONAL TO ATTACK

7. Before concluding this review of the United States legal position, I would like to refer to the principle that measures of defense must be proportional to the attack. The United States program of airstrikes against North Viet-Nam has been designed for the purpose of interfering with transport to the South; destroying supplies intended for shipment to the South; in short, to halt the continuing aggression by North Viet-Nam. As Ambassador Goldberg said 2 months ago:

> It is because of the attempt to upset by violence the situation in Viet-Nam, and its far-reaching implications elsewhere, that the United States and other countries have responded to appeals from South Viet-Nam for military assistance.
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> Our aims in giving this assistance are strictly limited.
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> We are not engaged in a "holy war" against communism.
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> We do not seek to establish an American empire or a sphere of influence in Asia.
>
> We seek no permanent military bases, no permanent establishment of troops, no permanent alliances, no permanent American presence of any kind in South Viet-Nam.
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> We do not seek to impose a policy of alinement on South Viet-Nam.
>
> We do not seek to overthrow the Government of North Viet-Nam.
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> We do not seek to do any injury to mainland China nor to threaten any of its legitimate interests.

We do not ask of North Viet-Nam an unconditional surrender or indeed the surrender of anything that belongs to it.

Efforts to Find a Peaceful Settlement

I have been setting forth reasons in support of United States military actions against North Viet-Nam. Justification for these actions in no way displaces a continuing obligation we have under the United Nations Charter to seek a peaceful settlement. It has long been said that nations must try to settle their disputes by peaceful means before any resort to force. But it is no less true that the participants in armed conflict are bound to go on seeking a settlement by peaceful means even while hostilities are in progress.

Particularly in the last 2 years, the United States has made major efforts to negotiate an end to the war in Viet-Nam. In April 1965 President Johnson, in response to the appeal of 17 nonalined countries, offered to commence negotiations without precondition.[6] This was not acceptable to Hanoi. A year ago the United States conducted a concentrated peace offensive for over 5 weeks. Again there was no affirmative answer from the other side.

At the General Assembly this fall, Ambassador Goldberg summed up our aims in the following way:

> We want a political solution, not a military solution, to this conflict. By the same token, we reject the idea that North Viet-Nam has the right to impose a military solution.
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> We seek to assure for the people of South Viet-Nam the same right of self-determination—to decide its own political destiny, free of force—that the United Nations Charter affirms for all.
>
> And we believe that reunification of Viet-Nam should be decided upon through a free choice by the peoples of both the North and the South without outside interference, the results of which choice we are fully prepared to support.
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> . . . We are prepared to order a cessation of all bombing of North Viet-Nam the moment we are assured, privately or otherwise, that this step will be answered promptly by a corresponding and appropriate deescalation on the other side.

Prospects Into the Future

It is not given to us to foresee in what way the Viet-Nam war will end. It is possible that the protagonists will meet at the conference

[6] For text of President Johnson's address at Johns Hopkins University, Baltimore, Md., see *ibid.*, Apr. 26, 1965, p. 606.

table and settle the conflict by negotiation. The United States will continue to press its efforts toward peaceful settlement.

It is also possible that, over time, North Viet-Nam will gradually reduce and ultimately cease its intervention in the South, having found that force does not pay and that the relationships between North and South must be worked out on the levels of economic intercourse and political accommodation.

Other possibilities have been urged by some: for example, outright withdrawal of United States forces from Viet-Nam or withdrawal of those forces to a few coastal bases. I cannot see that any such ending to the war in Viet-Nam would be acceptable from the point of view of the world community interest in peace and justice among nations. Such an ending would gravely impair the effectiveness of the international law that we have today.

For one thing, withdrawal and abandonment of South Viet-Nam would be to sacrifice the Geneva accords and advertise for all to see that an international agreement can with impunity be treated by an aggressor as a mere scrap of paper. Moreover, withdrawal and abandonment of South Viet-Nam would undermine the faith of other countries in United States defense treaty commitments and would encourage would-be aggressors to suppose they could successfully and even freely impose on their weaker neighbors by force.

In less than 2 months after the 1954 Geneva conference on Indochina, the United States and other Pacific countries signed the Southeast Asia Collective Defense Treaty. By a unanimously agreed protocol, that treaty covers South Viet-Nam. The parties to the treaty have engaged jointly and severally to "act to meet the common danger" if there is "aggression by means of armed attack" against any of the parties or any protocol state. To disengage from this commitment could have no other effect than to undermine the assurance of all concerned that the United States will live up to its commitments. Political and military stability will not be achieved but could instead be destroyed by a policy of making agreements and then not carrying them out.

We have seen in Europe, during the two decades since World War II, the success of a policy of insisting that the integrity of international settlements not be upset by force. The strengthening of Western Europe through the Marshall Plan and the North Atlantic Treaty put an effective curb on Soviet expansionism. We have seen a favorable development in the increased maturity of Soviet conduct toward the rest of the world. With a growing stake in preserving and developing what has already been achieved at home, the Soviet Government plainly

pursues a very different course from that of the younger and still more violent revolution in China.

It is an important part of the task of building a more secure and just world to weight the balances of other governments' processes of calculation, so far as we are able, in the direction of discussion and reason and away from violence and force. This is part of the meaning of the Viet-Nam war today. The use of external force to gain political ends must not turn out to be profitable.

The course of history shows that the temptation to prey upon weaker nations has often been too strong. In 1910 William James foresaw: "The war against war is going to be no holiday excursion or camping party." He emphasized the vast difficulty involved in abolishing war. "Extravagant ambitions," he wrote, "will have to be replaced by reasonable claims, and nations must make common cause against them."

This process of making common cause goes on even in the troubled world of 1966. For all the disappointments, shortcomings, and sometimes retrograde motion, the institution of the United Nations has recorded progress in the long world campaign for peace with justice. The processes and machinery of world organization will have to be strengthened and developed. Governments will have to learn and act upon the conviction that change is necessary to justice but that it must be ordered and peaceful change, without violence.

James' essay from which I quoted was directed to finding a "moral equivalent of war"—a constructive activity that could take over war's historic function of offering challenge to man's ambitions and binding peoples together against a common foe. If it is challenge we need, the world scene is abundant. There are no apparent limits to the resources and energies that nations could put into the exploration of space or into the improvement of man's condition on earth. The pressure of exploding population on food resources in the world is as threatening as any invasion from outer space could be.

The world still has time in which to adjust and redirect man's activities toward survival and growth. Will we not have the wit and the will to make this effort? It seems a necessity in this time when, as President Kennedy said: "man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life."[7]

[7] For text of President Kennedy's inaugural address, see *ibid.*, Feb. 6, 1961, p. 175.